

REMARKS

Claims 1-34 are pending in the application. Claims 1, 4-8, 12-15, 17-18, 20, 23, 25, and 28-33 have been amended. Accordingly, Claims 1-34 remain pending in the application.

35 U.S.C. § 101 Rejection

Claim 8-14 and 20-24 were rejected under 35 U.S.C. 101, as being directed to a non-statutory subject matter. Applicant has amended the claims to recite “a computer-readable storage medium” to overcome this rejection.

35 U.S.C. § 102 and § 103 Rejections

Claims 1, 4-8, 11-23, 25, and 27-33 were rejected under 35 U.S.C. 102(e) as being anticipated by Beardsley et al. (U.S. Patent Application Publication No. 2003/0131285). Claims 2, 3, 9, 10, 24, 26, and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beardsley in view of Topley (J2ME in a Nutshell).

1. Applicant respectfully submits that Beardsley fails to teach or suggest, “in response to one of said computing devices being detached from said server, marking unexecuted ones of said test programs that were distributed to said one computing device to indicate that these test programs were not executed by said one computing device” as recited by claim 1.

The Examiner contends on page 3 of the pending Office Action that paragraph [0052] of Beardsley teach the above-highlighted features of claim 1. Applicant respectfully disagrees. In paragraphs [0052], Beardsley teaches:

[0052] The autolab component 230 may include managing abilities, such as in a management component 232 (FIG. 2), that permit the autolab component 230 to pre-assign test packages to a client computer 212, 214 based upon the client computer's imaging abilities. The available client machine may be idle, or may be

capable of performing the tasks, but at the time of assignment of the task, is already performing another task. If the client computer 212, 214 is already performing another task, the test packages may be maintained, for example, in a message queue 610 (FIG. 6) for a client computer that is maintained, for example, in the database 222. A separate message queue 610₁, 610₂ . . . 610_R may be maintained for each client computer 212, 214. Items may be placed in the message queue 610 based upon the relative availability of the client computer 212, 214 (e.g., how few tasks are in a respective client computer's message queue as compared to the number of tasks in other computer's message queue). The client computer 212, 214, after completing a task, may check its message queue 610 for the next task or bundle of tasks (a "job"). In this manner, test packets and/or tasks may efficiently be assigned to client computers 212, 214 before the client computers are idle. Thus, one or more test packages may be available for the client computer 212, 214 immediately after the tasks of a previous test package have been completed. In accordance with one aspect of the present invention, the management component 232 may even reorder test packets, or tasks within those packets, for more efficient running of the client computer 212, 214. (Emphasis added)

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added)

While Beardsley teaches maintaining a message queue for each client computer 212, 214, and checking the message queue after a client computer completes a task to determine the next task assigned to the client computer, Beardsley fails to teach, “in response to one of said computing devices being detached from said server, marking unexecuted ones of said test programs that were distributed to said one computing device to indicate that these test programs were not executed by said one computing device” as recited by claim 1. Specifically, Beardsley fails to teach, in response to a client computer 212, 214 being detached from the test system 200, “marking unexecuted ones of said test programs that were distributed to” the client computer 212, 214 “to indicate that these test programs were not executed” by the client computer 212, 214 (see above-highlighted features of claim 1).

Accordingly, independent claim 1 is believed to patentably distinguish over Beardsley. Claims 2-7 are dependent upon claim 1 and are therefore believed to patentably distinguish over the cited references for at least the same reasons.

Likewise, claims 8 and 25 recite features similar to those highlighted above with regard to claim 1 and are therefore believed to patentably distinguish over Beardsley for at least the reasons given in the above paragraphs discussing claim 1. Claims 9-14 are dependent upon claim 8 and claims 26-30 are dependent upon claim 25, and are therefore believed to patentably distinguish over the cited references for at least the same reasons.

2. Additionally, Applicant respectfully submits that Beardsley fails to teach or suggest, “receiving requests at said server from said computing devices requesting said server to provide test programs to said computing devices” as recited by claim 15.

Beardsley teaches, “beginning at step 500, the test component 202 receives a test packet...from the product developer client 202...via the API 220” (Paragraph [0042]). Beardsley further teaches, “the test component 202 searches, via the autolab component 230, for an available client machine 212, 214 for performing the tests in the test packet. As further described below, an available client machine 212, 214 may be idle and awaiting a test packet, or may already be running the tasks in a test packet” (paragraph [0043]). In Beardsley, “If a client computer 212, 214 is available...the test component 202 checks to see if the computer is usable. That is, the autolab component 230 determines whether the client computer includes a group and application that meets the requirements of a pending test packet. If not, the process branches back...where a check is made for other idle client computers 212, 214” (paragraph [0047]). (Emphasis added) (see also paragraphs [0039] and [0046])

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481,

485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added)

While Beardsley teaches that the autolab 230 of the test component 202 searches for an available client machine 212, 214 to perform the tests and if it finds an available client computer it then checks to see if the available client is usable (otherwise another client must be used), Beardsley fails to teach “receiving requests at said server from said computing devices requesting said server to provide test programs to said computing devices” as recited by claim 15. In Beardsley, the autolab 230 of the test component 202 has the responsibility of searching for an available and usable client computer, instead of receiving requests from available client computers.

3. Furthermore, Applicant submits that Beardsley fails to teach or suggest, “receiving messages at said server from said computing devices upon completion said execution of said distributed test programs, wherein each of said messages includes a request to determine a next test to execute at the corresponding computing device and also includes said respective unique identifier” as recited by claim 15.

In paragraphs [0033] and [0047]-[0049], Beardsley teaches:

[0033] Test conditions may be provided to the test component 202 in a number of different ways. In general, the test conditions are provided as tasks that a product developer client 204 would like to be performed in particular platform(s) and language(s). Hereinafter, for ease of discussion, a selected platform and language are referred to herein as a "group." In the embodiment shown in FIG. 2, each product developer client 204 provides a separate test packet 206, 208, 210 for each group on which the product developer wants a product tested. The separate test packet defines tasks that the product developer wants conducted on the product in that group. The number of test packets 206, 208, 210 generated is set by the product developer client 204, and, in the example shown, the product developer client 204₁ provides L test packets, the product developer client 204₂ provides M test packets, and the product developer client 204₃ provides N test packets. A product developer client 204 may provide only one test packet, or may provide several test packets, depending upon the scope of the testing desired.

[0042] In any event, beginning at step 500, the test component 202 receives a test

packet...from the product developer client...via the API 220. The received test packet is placed in a "pending" status file 602 (FIG. 6) in the database 222 at step 502.

[0043] At step 504, the autolab component 230 retrieves one of the pending test packets from the database 222. A determination is made if all tests have been run on the packet at step 506 (e.g., whether a record count is zero), and, if so, the process loops back and the next packet is retrieved at step 504. If not, then step 506 branches to step 508, where the test component 202 searches, via the autolab component 230, for an available client machine 212, 214 for performing the tests in the test packet. As further described below, an available client machine 212, 214 may be idle and awaiting a test packet, or may already be running the tasks in a test packet, but should be capable of (e.g., includes the proper groups and applications for) running the tasks of the test packet.

[0044] At step 510, the autolab component 230 configures the test packet to a personalized test package for the available client computer 212, 214. The test package is then placed, at step 512, in an "assigned" status file 604 (FIG. 6). The client machine 212, 214 is then assigned the test packet at step 514. Configuring and assigning the test package is described further in connection with FIG. 8, below. (Emphasis added)

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added)

While Beardsley teaches determining whether “all tests have been run on the packet” and “If not...the test component 202 searches, via the autolab component 230, for an available client machine 212, 214 for performing the tests in the test packet”, Beardsley fails to teach, “receiving messages at said server from said computing devices upon completion said execution of said distributed test programs, wherein each of said messages includes a request to determine a next test to execute at the corresponding computing device and also includes said respective unique identifier” as recited by claim 15.

In Beardsley, the autolab 230 of the test component 202 has the responsibility of searching for an available client computer, instead of receiving requests from available client computers. Specifically, Beardsley fails to teach the autolab 230 of the test component 202 receiving “a request” from the client machines 212, 214 “to determine a next test to execute at the corresponding computing device” and also includes said respective unique identifier” (see above-highlighted features of claim 15).

Furthermore, as noted above and shown in FIG. 5, if all tests have not been run on the packet, in Beardsley the test component 202 searches for an available client to perform the test each time the process loops. However, in the present invention, the computing device that executed the previous test in the current test bundle executes the next test in the test bundle (see claim 15, “to determine a next test to execute at the corresponding computing device”).

Accordingly, independent claim 15 is believed to patentably distinguish over Beardsley. Claims 16-19 are dependent upon claim 15 and are therefore believed to patentably distinguish over the cited references for at least the same reasons.

Likewise, claims 20 and 31 recite features similar to those highlighted above with regard to claim 15 and are therefore believed to patentably distinguish over Beardsley for at least the reasons given in the above paragraphs discussing claim 15. Claims 21-24 are dependent upon claim 20 and claims 32-34 are dependent upon claim 31, and are therefore believed to patentably distinguish over the cited references for at least the same reasons.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-80700/MJL.

Respectfully submitted,



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